

**4406. Misbranding of "Dr. Guertin's Nerve Syrup." U. S. v. Otto Kalmus (Kalmus Chemical Co.). Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 6215. I. S. No. 9313-e.)**

On November 1, 1915, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Otto Kalmus, trading as Kalmus Chemical Co., Cincinnati, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about January 22, 1913, from the State of Ohio into the State of Colorado, of a quantity of "Dr. Guertin's Nerve Syrup," which was misbranded. The article was labeled: (On carton) "Dr. Guertin's Nerve Syrup Registered in the U. S. Patent Office A. L. Guertin M. D. A Valuable Remedy for Epilepsy, St. Vitus Dance, Convulsions, Hysteria, Nervous Debility, Headache, Neuralgia, Nervous Prostration, Insomnia, Neurasthenia and Disorders of the Nervous System. The total absence of alcohol and deleterious drugs renders this medicine perfectly safe for delicate nervous persons & children. Follow directions on the bottle No. 16345 Guaranteed by Kalmus Chemical Co., under the Food and Drugs Act, June 30, 1906. Prepared by Kalmus Chemical Co., Kalmus Building, Cincinnati. Price One Dollar at Drug Stores. Used and Endorsed by Physicians Dr. Guertin's Nerve Syrup—a Brain and Nerve Medicine soothes, quiets and strengthens the Nerves. It is pleasant to the taste and guaranteed free from Alcohol, Opiates or other dangerous Drugs. This excellent Nerve, Dr. Guertin's Nerve Syrup, is the result of repeated trials, careful and prolonged experiment, and years of study of Diseases of the Brain and Nervous System. Keep your bowels regular with Dr. Guertin's Laxative Tablets Purely Vegetable Gentle & Effective 10¢ and 25¢ Packages At Drug Stores." (Statements in German on back of carton). (On bottle) "Dr. Guertin's (Reg. In U. S. Pat. Office) Nerve Syrup A Valuable Remedy for Epileptic Fits, Convulsions, St. Vitus Dance, Nervous Prostration, Nervous Debility, Insomnia, Neuralgia and for Diseases of the Brain and Nerves. Directions for Use Adults. Take from one to two teaspoonfuls before each meal and at bedtime, in wine glassful of water. In severe cases of Epilepsy, increase the dose if necessary every other week for several months to bring attacks under control. An extra spoonful may be added at bedtime to advantage. If the patient experiences unusual drowsiness or dull feeling during the day, the noon dose can be reduced or omitted. These symptoms need cause no alarm and will soon disappear. Always take in water and drink some fresh water afterwards. If not entirely agreeable on an empty stomach, use after meals. Children. For child eight to twelve years old, half dose; four to six years old about one-third adult dose. Younger children proportionately less. In cases of Epilepsy continue the treatment for one year after the last attack to safeguard against a relapse. Hints on diet. Ordinary plain foods, such as Eggs, Fish, Fruit and Vegetables (except Cucumbers) are best. Mutton, Beef, Lamb and Chicken may be eaten daily. Veal and Pork sparingly. Drink plenty of Milk and but little Tea or Coffee. Avoid greasy foods, pastry, whiskey, beer or stimulants of any kind. Do not overload your stomach, get plenty of sleep and fresh air and keep your bowels regular with Dr. Guertin's Laxative Tablets. They are purely vegetable and for sale at Drug Stores in 10c and 25c packages. Guaranteed by Kalmus Chemical Co. under the Food and Drugs Act, June 30, 1906. No. 16345. This medicine is absolutely free from Alcohol, Opiates or dangerous Drugs, and is Prepared by Kalmus Chemical Co. Kalmus Building, Cincinnati, O. For sale at Drug Stores Price \$1.00, Six Bottles \$5.00."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

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| Solids (grams per 100 cc)-----                              | 76.25 |
| Nonsugar solids (grams per 100 cc)-----                     | 25.85 |
| Reducing sugar (gram per 100 cc)-----                       | 1.00  |
| Sucrose (grams per 100 cc)-----                             | 49.40 |
| Bromine (combined) (grams per 100 cc)-----                  | 16.92 |
| Ammonium, as $\text{NH}_4\text{Br}$ (grams per 100 cc)----- | 3.058 |
| Sodium bromid, calculated (grams per 100 cc)-----           | 17.17 |
| Strontium bromid (grams per 100 cc)-----                    | 1.62  |
| Calcium bromid (gram per 100 cc)-----                       | 0.06  |

Alcohol: None.

Mayer's alkaloid test: Negative.

Spectroscope examination:

Calcium, strontium, and sodium: Positive.

Potassium and other alkalies or alkaline earths: None detected.

Tests for aniline derivative and caramel: Negative.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On carton) "\* \* \* A Valuable Remedy for Epilepsy, St. Vitus Dance, Convulsions, \* \* \* Nervous Prostration, \* \* \* Neurasthenia \* \* \*." (On bottle) "A Valuable Remedy for Epileptic Fits, Convulsions, St. Vitus Dance, Nervous Prostration \* \* \*," were false and fraudulent in that they were applied to the said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a cure for epilepsy, St. Vitus Dance, convulsions, nervous prostration, neurasthenia, and epileptic fits, when, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

On November 10, 1915, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*